

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

A.P.State Higher Judicial Service – District Judges - Sri T.Lakshmana Rao, formerly Principal District Judge, Kadapa (now retired) – Disciplinary proceedings initiated – Orders – Issued.

LAW (LA&J – SC.F) DEPARTMENT

G.O.Ms.No. 84

Dated 30-07-2012.

Read the following:-

- 1) From the Registrar (Vigilance), High Court of A.P., D.O.Letters No.507/2005 and 789/2006-Vigilance Cell, dt.30.1.2008 and 5.2.2009.
- 2) From the Secretary, A.P.Public Service Commission, Hyderabad, Lr.No.1795/RT-I/3/2011, dt.22.12.2011.

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ORDER:

Whereas in pursuant to the observations made by the Hon'ble High Court against the District Judge, Kadapa while allowing Criminal Petition No.2627/2003 on 19.4.2006 and quashing the Proceedings in C.C.No.2/2003 on the file of the Chief Judicial Magistrate, Kadapa, on consideration of a Complaint Petition alleging about certain illegal appointments/promotions etc. and in pursuance of the minutes of the Administrative Committee (Disciplinary matters) resolving to hold enquiry against Sri T.Laxmana Rao, article of charges have been framed and served upon the charged officer and on receipt of written statements. Two regular departmental enquiries were ordered against the charged officer nominating Hon'ble Sri Justice Ananda Reddy as Inquiring Judge in one case (ROC No.789/2006) and Hon'ble Sri Justice V.V.S.Rao as Inquiring Judge in the other case (ROC No.507/2005), to enquire into the charges framed against the charged officer.

And whereas the two departmental enquiries initiated were pending, orders were issued permitting the charged officer to retire from service on attaining the age of superannuation on 31.7.2007 afternoon, and continuing the two departmental enquiries pending against him under rule 9 of the Andhara Pradesh Revised Pension Rules, 1980, vide High Court Proceedings issued in Order Roc.No.5934/2006-B.Special dt.11.7.2007;

And whereas, the following is the charge framed against the charged Officer and enquiry conducted (ROC No.789/2006):-

“ARTICLE OF CHARGE

That you, Sri T.Lakshmana Rao, Principal District Judge, Karimnagar, while working as Principal District Judge, Kadapa, sent an Official Memo. on 24.03.2003 to the Station House Officer, I-Town Police Station, Kadapa, marking a copy of the same to the I Additional Junior Civil Judge, Kadapa, enclosing copies of Statements of S/Sri P.Hasamaiah, Central Nazar, D.P. Chandra, Court Guard of District Court, Kadapa, and S.M.Basha, Accused in Cr.No.19/2003 of I-Town Police Station, Kadapa, asking the Station House Officer to take necessary action and to intimate the result of the investigation in Cr.No.19/03, corresponding to C.C.No.30/2003, on the file of I Additional Junior Civil Judge, Kadapa in which trial has already commenced and evidence of LWs.1 to 3 (PWs.1 to 3) was also recorded on 21.03.2003, that thus you exceeded your jurisdiction as Principal District Judge, Kadapa, by issuing Official Memo. To the Investigating Officer for further investigation, which act of yours is nothing but abuse of process of law and also misuse of official power and against the ruling of the Apex Court, which act of yours if proved or established would amount to grave misconduct, judicial impropriety, unbecoming of a Judicial Officer within the meaning of Rule 3 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964”.

The Hon'ble Inquiring Judge in the Enquiry Report dt.3.10.2007, for the reasons recorded therein held that the charged officer has been found guilty of the charge leveled against him and therefore he is liable for suitable punishment;

And whereas, the following are the articles of charge framed against charged officer and enquiry conducted vide ROC.No.507/2005.

ARTICLE OF CHARGE NO.1:

That you Sri T.Lakshmana Rao, Principal District Judge, Karimnagar, while working as Principal District Judge, Kadapa made appointments in the Unit of District Judge, Kadapa appointing certain individuals (shown in Annexure-I & II) to the posts of Class IV Electricians, Class IV Masalchies, Process Servers and attenders in violation of the provisions of Andhra Pradesh (Regulation of Appointments to Public Services and Rationalization of Staff Pattern and Pay Structure) Act, 1994 (Act No.2 of 1994, the circulars of the High Court issued from time to time in that regard and without obtaining the prior permission of the High Court: that thus you contravened normal procedure, rules and regulations governing appointments, with an ulterior motive and for extraneous consideration, which act of yours if proved or established would amount to grave misconduct and un becoming of a Judicial Officer within the meaning of Rule 3 of the Andhra Pradesh Civil Services (Conduct), Rules, 1964.

ARTICLE OF CHARGE NO.2:-

That you Sri T.Lakshmana Rao, Principal District Judge, Karimnagar, while working as Principal District Judge, Kadapa in contravention of provisions of Andhra Pradesh (Regulation of Appointments to Public Services and Rationalisation of Staff Pattern and Pay Structure) Act, 1994 (Act No.2 of 1994), High Court's circulars governing appointments to Class IV posts issued from time to time, appointed certain individuals (shown in Annexure-I) to the posts of Class IV Electricians and Masalchies, though there are no such sanctioned posts in the Unit of District Judge, Kadapa; that thus you made illegal appointments, with an ulterior motive and for extraneous consideration which act of yours if proved or established would amount to grave misconduct and unbecoming of a judicial officer within the meaning of Rule 3 of the A.P.C.S.(Conduct) Rules, 1964.

ARTICLE OF CHARGE NO.3:

That you Sri T.Lakshmana Rao, Principal District Judge, Karimnagar while working as Principal District Judge, Kadapa in contravention of provisions of Andhra Pradesh (Regulation of Appointments to Public Services and Rationalisation of Staff Pattern and Pay Structure) Act, 1994 (Act No. 2 of 1994), High Court's circular issued in Roc No. 2708/03-D1(S) dt. 28.8.2003 and other circulars governing appointments to Class IV posts issued from time to time, issued proceedings through orders dt.29.10.2003, 9.5.2005 and 0.5.2005 appointing seven individuals as Casual Labourer (shown in Annexure-III); that thus you have made the appointments for extraneous consideration which act of yours if proved or established would amount to grave misconduct and unbecoming of a judicial officer within the meaning of rule 3 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

ARTICLE OF CHARGE NO.4:

That you Sri T.Lakshmana Rao, Principal District Jude, Karimnagar, while working as Principal District Judge, Kadapa promoted one Sri G.Sambasivaiah, Attender, working in the unit of District Judge, Kadapa to the post of Steno Typist on 30.6.2004 on adhoc basis and continued him in the said post beyond six months in violation of Rule 27(i) of the Andhra Pradesh .Judicial Ministerial Service Rules and later the said individual was reverted to his original post in pursuance of High Court's proceedings dt.1.6.2005; that again within 15 days, you have issued orders promoting the said individual to the post of Copyist on 16.6.2005; that you have also, through proceedings dated 15.7.005, promoted Sri Shaik Yaseen, an Attender to the post of Copyist against rules; that thus you showed special interest on the said individuals with an ulterior motive and for extraneous consideration which act of yours if proved or established would amount to grave misconduct and unbecoming of a judicial officer within the meaning of Rule 3 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

ARTICLE OF CHARGE No.5

That you Sri T.Lakshmana Rao, Principal District Judge, Karimnagar, while working as Principal District Judge, Kadapa developed illicit intimacy with one Smt.Lalitha Kumari an Attender in District Court, Kadapa and taking advantage of her relationship with you, she collected amounts from some persons and got them appointed to various posts in the unit of District Judge, Kadapa through you and that with your help Smt.G.Lalitha Kumari acquired assets worth lakhs in and around Kadapa town; that thus by your behaviour, you brought disrepute to the post of District and Sessions Judge which act of yours if proved or established would amount to grave misconduct within the meaning of Rule 3 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

ARTICLE OF CHARGE NO.6

That you Sri T.Lakshmana Rao, Principal District Judge, Karimnagar, while working as Principal District Judge, Kadapa;

- (i) promoted Sri Sambasiva Reddy as Stenographer and the said Stenographer once mis-behaved with the then 1st Additional Junior Civil Judge, Kadapa; that though the said officer brought the same to your notice, you have not taken any action against the said Stenographer for the reasons best known to you;
- (ii) you got selected one Sunitha as Steno for the office of Legal Services Authority, Kadapa though she did not have basic academic qualifications;
- (iii) you got appointed one Murali Mohan Naidu in the Unit of District Judge, Kadapa as an Attender, though he has undergone imprisonment for one year; that thus you acted in contravention of the rules and regulations which acts of yours if proved or established would amount to grave misconduct and unbecoming of a judicial officer within the meaning of Rule 3 of A.P.C.S.(Conduct) Rules, 1964.

The Hon'ble Inquiring Judge in the enquiry report dt.13.11.2007 for the reasons recorded therein held that the Charges 1 to 4 and Charge No.6 (except charge No.(iii)) are proved holding that the charged officer is guilty of misconduct and charge No.5 is not held proved.

And whereas, the Registrar (Vigilance) vide.D.O.Lr.No.507/2005 and 789/2006 – Vigilance Cell dt.30.1.2008 while stating that the High Court keeping in view the retirement of the officer on 31.7.2007 and rule 9 of the Andhra Pradesh Revised Pension Rules, 1980 has decided to forward the two enquiry reports and the record of enquiry, and accordingly forwarded the two enquiry reports along with the records to the Government for taking further action against the charged officer.

And whereas, Government after careful examination of the two enquiry reports have decided to accept the findings in the enquiry reports, by enclosing the two enquiry reports, the charged officer to make representation if any, vide. Govt.Memo.No.83/SCF/2008, dt.11.8.2008 (through the Registrar(Vigilance), High Court of Andhra Pradesh). On subsequent representations made, the charged officer has been furnished with the required information besides permitting him to go through the records as requested;

And whereas, the Hon'ble High Court of Andhra Pradesh having considered the representations of the charged officer dt.26.8.2008 in reply to Govt.Memo.dt.11.8.2008, forwarded the same to the Government for taking a decision with regard to the punishment to be imposed as per proviso to rule 9 (2)(a) of the Andhra Pradesh Revised Pension Rules, 1980, vide their letter dt.5.6.2009;

And whereas, Government after examining the entire matter with the material available, have provisionally decided to impose a penalty 10% cut in pension permanently under rule 9(2)(a) of the Andhra Pradesh Revised Pension Rules, 1980 for each of the two cases separately and a show cause notice has been issued accordingly vide Government Memo.No.83/LA & J-SCF/A1/2008, dt.18.9.2010. A personal hearing was also afforded to the charged officer as requested and after examining the entire matter and the provisions

under rule 9 of the Andhra Pradesh Revised Pension Rules, 1980 with reference to the right of the Government inter alia to withhold or withdraw pension of a pensioner, in case in a judicial departmental proceeding the pensioner is found guilty of grave misconduct or negligence during the period of service, keeping in view the settled decisions of the Hon'ble Courts in this regard and the material evidence decided to confirm the provisional decision to impose a penalty of 10% cut in pension permanently against him for each of the two cases separately;

The Andhra Pradesh Public Service Commission on consultation in this regard, communicated their concurrence in their letter No.1795/RT-1 /3/2011 dt.22.12.2011 stating that the commission agree with the proposal of the Government;

And whereas, the Government have examined carefully the findings of the Inquiring Judges, the entire record of the enquiries, the recommendation of the High Court and have come to the conclusion that the charges framed against the charged officer are proved against him and accordingly decided to impose the punishment of 10% cut in pension permanently for each of the two cases separately against Sri T.Lakshmana Rao, Prl.District Judge, Kadapa (who retired on 31.7.2007 on attaining the age of superannuation).

Accordingly, the following notification will be published in the Extraordinary issue of the Andhra Pradesh .Gazette dt. 07-2012.

NOTIFICATION

In exercise of the powers conferred by rule 9 of the Andhra Pradesh .Revised Pension Rules, 1980, the Governor of Andhra Pradesh hereby impose the penalty of 10% cut in pension permanently for each of the two cases separately, on Sri T.Lakshmana Rao, Prl.District Judge, who retired from service on the afternoon of 31.7.2007, on attaining the age of superannuation.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

MINNIE MATHEW,
CHIEF SECRETARY TO GOVERNMENT.

To
Sri T.Lakshmana Rao, formerly Principal District Judge, Kadapa(retired),
through the Registrar (Vigilance), High Court of A.P., Hyderabad.
The Registrar (Vigilance), High Court of A.P., Hyderabad.
Copy to:
The Accountant General, A.P., Hyderabad.
The Secretary, A.P.Public Service Commission, Hyderabad.
P.S. to Hon'ble M(L&C)/P.S. to Secy (LA&J)
SF/Scs.

//FORWARDED BY ORDER//

SECTION OFFICER(SC)